



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUN 28 2006

The Honorable Patricia I. Wright
Acting Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218

Dear Superintendent Wright:

Thank you for your participation in the U.S. Department of Education's (Department) standards and assessment peer review process under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). I appreciate the efforts required to prepare for the peer review. As you know, with the implementation of NCLB's accountability provisions, each school, district, and State is held accountable for making adequate yearly progress (AYP) towards having all students proficient by 2013-14. An assessment system that produces valid and reliable results is fundamental to a State's accountability system.

I am writing to follow up on the letter that was sent to you on March 22, 2006. In that letter, we presented the results of the peer review of the Virginia's standards and assessment system and detailed the additional evidence necessary for Virginia to meet the statutory and regulatory requirements of Section 1111(b)(1) and (3) of the ESEA. At this time, additional evidence provided by Virginia was not sufficient to resolve the outstanding issues presented in the March 22 letter.

As you may recall, the Department laid out new approval categories in the letter to the Chief State School Officers on April 24, 2006. These categories better reflect where States collectively are in the process of meeting the statutory standards and assessment requirements and where each State individually stands. Based on these new categories, the current status of the Virginia's system is *Approval Pending*. This status indicates that Virginia's standards and assessment system administered in 2005-06 has one fundamental component that does not meet the statutory and regulatory requirements, in addition to other outstanding issues that can be addressed more immediately. These deficiencies must be resolved in a timely manner so that the standards and assessment system administered next year meets all requirements. The Department believes that Virginia can address the outstanding issues by the next administration of its assessment system, that is, by the end of the 2006-07 school year.

Virginia's system has one fundamental component that warrants the designation of *Approval Pending*. Specifically, we cannot approve Virginia's standards and assessment system due to outstanding concerns regarding the validity, comparability, alignment, reporting and approved academic achievement standards for the [Stanford English](#)

Language Proficient (SELP) assessment when used as a proxy for the reading Standards of Learning (SOL) assessments. Please refer to the enclosure for a detailed list of evidence Virginia must submit to meet the requirements for an approved standards and assessment system.

Accordingly, Virginia is placed under *Mandatory Oversight*, pursuant to 34 C.F.R. §80.12. Under this status, there will be specific conditions placed on Virginia's fiscal year 2006 Title I, Part A grant award. Virginia must provide, not later than 25 business days from receipt of this letter, a plan and detailed timeline for how it will meet the remaining requirements to come into full compliance by the end of the 2006-07 school year. Beginning in September 2006, Virginia must also provide bi-monthly reports on its progress implementing the plan. If, at any time, Virginia does not meet the timeline set forth in its plan, the Department will initiate proceedings, pursuant to Section 1111(g)(2) of the ESEA, to withhold 10 percent of Virginia's fiscal year 2006 Title I, Part A administrative funds, which will then revert to local educational agencies in Virginia.

I know you are anxious to receive full approval of your standards and assessment system and we are committed to helping you get there. Toward that end, let me reiterate my earlier offer of technical assistance. We remain available to assist you however necessary to ensure you administer a fully approved standards and assessment system. We will schedule an additional peer review when you have evidence available to further evaluate your system. If you have any questions or would like to request reconsideration of the conditions, please do not hesitate to contact Abigail Potts (Abigail.Potts@ed.gov) or David Harmon (David.Harmon@ed.gov) of my staff.

Sincerely,



Henry L. Johnson

Enclosure

cc: Governor Tim Kaine
Shelley Loving-Ryder
Robert Triscari
Pat Wright

Summary of Additional Evidence that Virginia Must Submit to Meet ESEA Requirements for the Virginia Assessment System

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. Approved academic achievement standards for SOL, VSEP, and VGLA reading and math assessments at grades 3-8.
2. Approved academic achievement standards for the SELP test when used as a substitute for the SOL reading tests in grades 3-8 for those limited English proficient students who have been attending U.S. schools for more than one year.
3. Approved alternate academic achievement standards for VAAP.

3.0 - FULL ASSESSMENT SYSTEM

1. Comparability of the SELP with the SOL reading tests.
2. Comparability of the Plain English Mathematics test and regular test forms.
3. Comparability of the "substitute" tests and the matched end-of-course tests.
4. Comparability of the VGLA and VSEP with the SOL tests.

4.0 - TECHNICAL QUALITY

1. Reliability and validity for the VSEP and the reading and math SOL tests at grades 4, 6, and 7.
2. Reliability and validity for both alternate assessments—VAAP and VGLA.
3. Validity of the SELP test when used as a substitute for the SOL reading tests.
4. Comparability of online and paper-and-pencil SOL administrations at the middle school level for all students and subgroups.
5. For SOL reading and math assessments at grades 3-8, documentation of the standard setting process with descriptions of the selection of judges, methodology employed, and final results.
6. For the Algebra II and the English Reading end-of-course tests, documentation of the standard setting process with descriptions of the selection of judges, methodology employed, and final results.
7. For the SELP test when used as a substitute for the SOL reading tests in grades 3-8, documentation of the standard setting process with descriptions of the selection of judges, methodology employed, and final results.
8. For VAAP and VGLA, documentation of the standard setting process with descriptions of the selection of judges, methodology employed, and final results.
9. Reliability for the Plain English Mathematics Test.

5.0 - ALIGNMENT

1. Alignment of 3-8 and high school assessments in reading and mathematics with academic content standards and with newly established grades 4, 6, 7 academic

achievement standards and revised grades 3, 5, and 8 academic achievement standards.

2. Alignment of the VSEP, VGLA, and the SELP test to the State's academic content standards and to academic achievement standards.
3. Alignment of high school "substitute" assessments with academic content standards.

6.0 - INCLUSION

1. Evidence that explains the discrepancy between the expectation of full LEP test participation as expressed in the *Limited English Proficient Students: Guidelines for Participation in the Standards of Learning Assessments* and Virginia code (8 VAC 20-131-30) that allows a one time SOL test exemption.
2. Evidence that only valid scores count toward AYP proficiency and participation rate (i.e., not including scores from tests administered using nonstandard accommodations).

7.0 - REPORTING

1. Performance level descriptions on student/parent assessment reports.
2. SELP test reports when used as a proxy for the SOL reading tests in grades 3-8.